

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF: ALLEN HOEPER, ID# 62820 Bremer County, Iowa	ADMINISTRATIVE CONSENT ORDER NO. 2011-AFO-14
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TO: Allen Hoeper
1729 160th Street
Waverly, Iowa 50677

VIOLATION: 567 Iowa Administrative Code (IAC) 65.17(17)“h”(3). You failed to submit a complete phosphorus index (P-Index) manure management plan (MMP) to the Department, to the board of supervisors of the county where your confinement feeding operation is located, and to the board of supervisors of each county where manure from your confinement feeding operation is land-applied, by March 1, 2011. You were sent notices of these requirements on March 15, 2011, March 31, 2011, and were notified by phone on April 12, 2011. To date, a complete P-Index MMP has not been received by the Department.

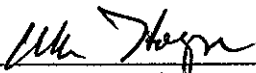
ORDER: You shall submit to Department Field Office 1 a complete P-Index MMP within 30 days of your receipt of this Order. In addition, a penalty of \$2,500.00 shall be paid no later than 30 days after the date the Director signs this Order. This penalty shall be paid to the Department at the address listed below. \$50.00 of the penalty amount is assessed for economic benefit from delayed preparation cost; \$1,500 is based on the gravity of the violation, considering the size of this facility, agency costs in addressing this violation, the importance of the animal feeding operation program and for repeated MMP violations; and \$1,450 is for culpability, because you were sent two notices of the requirement in 2011. Consideration has also been given to the numerous Notices of Violation sent to your facility for MMP violations in 2005, 2007, 2008, and 2010 and because MMP violations in 2004 resulted in the issuance of Administrative Order 2004-AFO-29. The foregoing penalty analysis total of \$3,000 is reduced by \$500.00 for mitigating circumstances relating to your efforts to submit a complete P-Index MMP.

AUTHORITY: Iowa Code §§455B.109, 459.103(3); 567 IAC 10.3, 65.17(17)“h.”

WAIVER OF APPEAL: This Order is entered into knowingly by and with the consent of Allen Hoeper. For that reason, Mr. Hoeper waives his right to appeal this Order or any part thereof.


NONCOMPLIANCE: If you fail to comply with this Order you may be subject to further penalties pursuant to Iowa Code §455B.109 or penalties and injunction pursuant to Iowa Code §§455B.191 and 459.603. Compliance with this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.

IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER
ISSUED TO: ALLEN HOEPER



ALLEN HOEPER

Dated this 5th day of
June, 2011



ROGER L. LANDE, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES
502 E. 9TH St., Des Moines, IA 50319-0034

Dated this 20th day of
June, 2011

VIII.C.1; EPA, Randy Clark, Ken Hessenius, Field Office 1